

DEBEVOISE & PLIMPTON LLP

919 Third Avenue  
New York, NY 10022  
Tel 212 909 6000  
Fax 212 909 6836  
www.debevoise.com

February 27, 2012

BY ECF

Mr. Michael N. Block  
Sullivan, Papain, Block, McGrath & Cannavo P.C.  
120 Broadway  
New York, NY 10271

Re: United States v. City of New York  
Case No. 07-CV-2067

Dear Mr. Block:

This is in response to your letter of February 8th, which raised several concerns the Uniformed Firefighters Association (“UFA”) has about the development of entry-level firefighter Exam 2000. Throughout the test development process, the UFA has provided valuable feedback and support to the parties and the Special Master for which I am grateful. Although I certainly understand the UFA’s interest in learning as many details about the test development process as possible, largely for reasons of test security and privacy, most aspects of the test development process remain confidential until after the test is actually administered. With this limitation in mind, I respond to the questions you raised in your letter.

First, you requested an explanation of the results of the criterion validation study, which was used to measure the correlation between performance on a draft version of the exam and job performance ratings. As we have reported to both the UFA and the UFOA, the parties’ test development experts concluded that the criterion validation study was successful in that its results showed sufficient evidence of validity to warrant using it in the New Test. (*See also* Dkt. No. 785). I understand that you now would like to know further details about the correlations for individual components of the exam. Revealing this information, however, could potentially compromise the integrity of the exam. This is because reporting these results to the UFA at this time would not be possible without revealing more information about the test content than is generally available to applicants. The information you seek, however, along with detailed information about all aspects of the test development process will be described in the final technical report prepared at the conclusion of the test development process.

Mr. Michael N. Block

2

February 27, 2012

Your letter also requested information regarding the particular scoring methodology that will be used for Exam 2000. As we reported to your client in our December 21 Letter (Dkt. No. 784), the parties' experts had not yet determined the specific scoring methodology that will be used. This remains true today. Whichever scoring method is used, however, it is the intent of the parties that candidates who perform substantially better than others will receive a higher score on the test, before the application of bonus points. And as with other aspects of the test development process, the scoring methodology and reasoning will be described in the final technical report prepared at the conclusion of the test development process.

We are currently set to meet with you, Mr. Cassidy and other representatives from both the UFA and the UFOA on March 1st. The Special Master's expert, Dr. Shane Pittman, will attend in addition to counsel for all parties. During the meeting, we will address the concerns and respond to your questions to the extent possible, but emphasize that we continue to be constrained in the information that we can appropriately provide until after the test is administered and a final technical report is prepared. We look forward to a productive meeting with the common understanding of what can realistically and appropriately be discussed at this juncture.

Thank you very much for your continued interest and cooperation in the development of the new firefighter entrance exam.

Sincerely,

/s/ Mary Jo White

Mary Jo White  
Special Master

cc: All Counsel of Record (Via ECF)